

ANNUAL TRUST AND ESTATE LAW UPDATE

Co-sponsored by the CBA Trust and Estate Section

LIVE PROGRAM and LIVE WEBCAST: DECEMBER 11, 2009

At the CBA-CLE Classroom, 1900 Grant Street, Suite 300, Denver, CO

VIDEO REPLAYS: JANUARY 14, 2010

In Denver, Colorado Springs, and Grand Junction

**AVAILABLE
VIA LIVE
WEBCAST!**

WHAT YOU WILL LEARN:

- Address by the Honorable C. Jean Stewart, Judge, Denver Probate Court
- Legislative Update:
 - The Colorado Power of Attorney Act
 - Amendments to the Colorado Uniform Probate Code
 - Designated Beneficiary Agreements
 - Omnibus Bill Provisions Affecting Trust and Estate Law
- Case Law Update
- FATF and the Ethical T&E Lawyer: Can the Two Coexist?
- Self-settled Trusts for Asset Protection in Colorado
- Ethics for the Trust and Estate Law Attorney

CLE CREDITS: *Submitted for 6 General CLE Credits including 1.7 Ethics*

ANNUAL TRUST AND ESTATE LAW UPDATE

Co-sponsored by the CBA Trust and Estate Section

**LIVE PROGRAM and
LIVE WEBCAST:**

DECEMBER 11, 2009

Live program will be held at
the CBA-CLE Classroom
1900 Grant Street, Suite 300
Denver, CO

VIDEO REPLAY:

JANUARY 14, 2010

Denver
Colorado Springs
Grand Junction

CLE CREDITS:

*Submitted for
6 General CLE Credits
including 1.7 Ethics*

The 2009 Fall Trust and Estate Law Update program builds on the excellent programs of years past. This year's program continues that tradition of excellence with practical, timely topics taught by an expert faculty!

Your day will begin with an in-depth look at important new Colorado legislation affecting trust and estate attorneys, including the new Colorado Power of Attorney Act and the Amendments to the Uniform Probate Code.

Next up is a fascinating session on how to comply with the requirements of the Financial Action Task Force.

During lunch you will enjoy an address by Denver Probate Court Judge Jean Stewart, who will provide her keen insights into the issues facing the probate system in Colorado.

After lunch you will be treated to the always useful case law update. After that, you will enjoy a discussion of how to design and use self-settled trusts in Colorado for estate planning purposes. Your day will finish with a look at legal ethics issues that are important to trust and estate law attorneys.

WITH TIMELY TOPICS, A VETERAN FACULTY, AND 1.7 ETHICS CREDITS, YOU NEED TO ADD THIS CLE PROGRAM TO YOUR CALENDAR. DON'T DELAY...REGISTER TODAY!

PROGRAM AGENDA: *(please note early start time)*

8:00 - 8:30 am Registration

8:30 - 8:35 am Welcome and Introduction
Extended by Walter M. Kelly, II, Esq., Program Chair

8:35 - 9:25 am The New Colorado Power of Attorney Act
The Colorado legislature has adopted the Uniform Power of Attorney Act. This new legislation significantly alters the rights and responsibilities of agents, principals, and even third parties. Learn how the law in this area has changed and how it affects existing and future power of attorney documents!
Presented by John DeBruyn, Esq.

9:30 - 10:20 am Amendments to the Colorado Uniform Probate Code
The Colorado legislature, in response to the amendments to the Uniform Probate Code (UPC), made numerous changes to the version of the UPC adopted in Colorado. From dollar amounts for the spousal share, to survival requirements for heirs, to the use of notarized wills, these changes are important and their effects sometimes subtle. In addition, these changes have interesting effects on existing Colorado law that you need to know about. Enjoy a succinct summary of the most important aspects of these amendments and how they will affect your clients!
Presented by Marc Darling, Esq.

PROGRAM AGENDA: (continued)

10:20 - 10:35 am Break (15 minutes)

10:35 - 11:25 am **FATF and the Ethical T&E Lawyer: Can the Two Coexist?**

1 Ethics Credit!

Learn the answers to these questions:

- What is the FATF?
- What are the "Forty Recommendations," the "Nine Special recommendations," and "Lawyer Guidance"?
- Can These Recommendations Be Squared with the Rules of Professional Responsibility?
- Good Practices for T&E Lawyers in Light of FATF

Presented by James W. Buchanan, III, Esq., Kevin D. Millard, Esq., and James P. Stouffer, Esq.

11:30 - 12:10 pm **New Colorado Legislation: Designated Beneficiary Agreements**

Presented by Elizabeth A. Bryant, Esq.

12:10 - 1:10 pm

12:25 - 12:55 pm

Lunch - Compliments of CBA-CLE and the CBA Trust and Estate section!

Luncheon Presentation: Judicial Perspective on Trust and Estate Law

Presented by the Honorable C. Jean Stewart, Judge, Denver Probate Court

1:10 - 1:50 pm

Case Law Update and Omnibus Bill Provisions Affecting Trust and Estate Law

Presented by TBA

1:55 - 2:45 pm

Self-settled Trusts for Asset Protection in Colorado

Despite Colorado state statutory language that seems to argue against the use of self-settled trusts for asset protection, these specialized trusts, where the settlor is among the beneficial class, can in fact be used for this planning goal in certain circumstances. This presentation includes a full discussion of the law of self-settled trusts in Colorado, including important case law that defines how these trusts can and can't be designed and used.

Presented by Barry S. Engel, Esq.

2:45 - 2:55 pm

Break (10 minutes)

2:55 - 3:30 pm

Ethics for the Trust and Estate Law Attorney

The legal ethics issues that confront trust and estate law attorneys are sometimes different from those typical of other practice areas. Learn how to avoid and handle troublesome situations to avoid ethics rule violations! Issues to be discussed include the Colorado Rules of Professional Conduct that relate to:

- Representing both husband and wife at the same time in a trust and estate matter - the issue of confidential information received from one spouse (Colo. RPC 1.6 - Confidentiality of Information)
- Gifts to the lawyer in estate planning documents (Colo. RPC 1.7 - Conflicts of Interest: Current Clients; and, Colo. RPC 1.8 - Conflicts of Interest: Current Clients: Special Rules)
- When you name yourself as a fiduciary in a trust and estate matter, especially when the fiduciary will be paid; limitation on independent professional judgment (Colo. RPC 1.7: Conflicts of Interest: Current Clients)
- What to do when you represent more than one generation (e.g., father and son) in a trust and estate matter; exercise of independent judgment (Colo. RPC 1.7 - Conflicts of Interest: Current Clients)
- How to determine if your fees are reasonable under the ethics rules (Colo. RPC 1.5 - Fees)
- How to deal with the issue of referral fees (Colo. RPC 1.5 - Fees; Colo. RPC 1.7 - Conflicts of Interest: Current Clients; and, Colo. RPC 1.8 - Conflicts of Interest: Current Clients: Special Rules)

Presented by Charles E. (Chip) Mortimer, Jr., Esq.

3:30 pm

Adjourn

FACULTY AND PLANNING COMMITTEE:

FACULTY:

Honorable C. Jean Stewart
Judge
Denver Probate Court
Denver, CO

Walter M. Kelly, II, Esq.
Program Chair
Miller & Steiert, PC
Littleton, CO

Elizabeth A. Bryant, Esq.
Elizabeth A. Bryant, PC
Denver, CO

James W. Buchanan, III, Esq.
Buchanan & Stouffer, PC
Lakewood, CO

Marc Darling, Esq.
Wade Ash Woods Hill & Farley, PC
Denver, CO

John DeBruyn, Esq.
DeBruyn Law Offices
Denver, CO

Barry S. Engel, Esq.
Engel & Reiman, PC
Denver, CO

Kevin D. Millard, Esq.
Chorney & Millard, LLP
Denver, CO

Charles E. (Chip) Mortimer, Jr., Esq.
Assistant Regulation Counsel
Office of Attorney Regulation Counsel
Colorado Supreme Court
Denver, CO

James P. Stouffer, Esq.
Buchanan & Stouffer, PC
Lakewood, CO

PLANNING COMMITTEE:

John DeBruyn, Esq.
DeBruyn Law Offices
Denver, CO

Constance Tromble Eyster, Esq.
Hutchinson Black and Cook, LLC
Boulder, CO

Walter M. Kelly, II, Esq.
Miller & Steiert, PC
Littleton, CO

Mark D. Masters, Esq.
Horen, Lockwood & Masters, LLP
Englewood, CO

Kevin D. Millard, Esq.
Chorney & Millard, LLP
Denver, CO

Jennifer M. Spitz, Esq.
Stover & Spitz, LLC
Longmont, CO

Michael R. Stiff, Esq.
Stiff & Associates, LLC
Denver, CO

Thomas L. Stover, Esq.
Stover & Spitz, LLC
Longmont, CO

Herbert E. Tucker, IV, Esq.
Wade Ash Woods Hill & Farley, PC
Denver, CO

WEBCAST INFORMATION:

WEBCASTING IS GREEN!

Course materials are provided in electronic format to all webcast attendees. If you prefer to receive the materials in paper form, you must make this request at the time of registration. Once CBA-CLE has final materials prepared, they will be shipped immediately upon your request, but we cannot guarantee that you will receive them prior to the program.

WEBCASTING IS EASY!

THE MINIMUM SYSTEM REQUIREMENTS:

- Your computer should have a 500 MHz or higher processor and at least 128 mb of RAM (any newer computer)
- A reliable High-Speed Internet Connection
- Microsoft's Windows Media Player™ v.9 or higher

TIPS FOR A BETTER WEBCAST EXPERIENCE:

http://www.cba-cle.org/webcast_tips.html

PLEASE RUN THIS TEST TO MAKE SURE YOUR COMPUTER MEETS THE MINIMUM SYSTEM REQUIREMENTS:

http://www.cba-cle.org/webcast_test.html

ADDITIONAL INFORMATION:

You will receive an invoice and instructions to view the webcast via email upon registration.

ANNUAL TRUST AND ESTATE UPDATE



1 Register by PHONE... *when using VISA or MasterCard.*
In Denver: (303) 860-0608 • Toll-Free: (888) 860-2531



2 Or FAX form to... *when using VISA or MasterCard.*
FAX to: (303) 860-0624



3 Or MAIL form to... CLE in Colorado
1900 Grant St, Suite 300 • Denver, CO 80203-4303



4 Or register ONLINE... *when using VISA or MasterCard.*
Register on the CBA-CLE web site @ www.cobar.org/cle

LIVE PROGRAM / WEBCAST / VIDEO REPLAY ORDER FORM

INDIVIDUAL TUITION:

- Non-member:\$299
 CBA Member:\$249
 CBA Trust and Estate Section Member:\$229
 New Lawyer (in practice 2 years or less):\$209
 CBA Associate Member:\$209

LIVE: DECEMBER 11, 2009

(Please choose between the live program and live webcast)

- LIVE PROGRAM - Denver: CBA-CLE Classroom, 1900 Grant St., Suite 300 (PR121110L)
 LIVE WEBCAST - Direct to your desktop (PR121110W)

NOTE: Registrants who wish to participate via live webcast, must have access to a high-speed internet connection and to important e-mail instructions.

VIDEO REPLAY: JANUARY 14, 2010

- Denver: CBA-CLE Classroom, 1900 Grant Street, Suite 300
 Colorado Springs: 421 S. Tejon Street, Suite 100
 Grand Junction: 1250 E. Sherwood Drive

LIVE PROGRAM / WEBCAST / VIDEO REPLAY TOTAL \$ _____

HOMESTUDY ORDER FORM

To receive CLE Credit, you must purchase both the course materials AND the recorded seminar (CD).

COURSE MATERIALS ONLY:

- CBA Member: \$95 Non-member: \$125

COURSE MATERIALS & RECORDED SEMINAR (CD)

- CBA Member: \$249 Non-member: \$299

Price \$ _____

Shipping & Handling \$ 10.00 _____

Subtotal \$ _____

Applicable Sales Tax (7.72% Denver, 4.1% RTD and 2.9% rest of Colo.) \$ _____

HOMESTUDY TOTAL \$ _____

Name(s) _____

Attorney Reg. No. _____

Firm/Organization _____

E-Mail Address _____

Street Address _____

City _____ State _____ Zip _____

Telephone () _____ Fax () _____

Enclosed is my check made payable to CBA-CLE VISA MasterCard

Credit Card # _____ Exp. Date _____

Signature _____

Required for credit card orders

CLE USE ONLY: Check #: _____ Approval #: _____

ANNUAL TRUST AND ESTATE LAW UPDATE

Co-sponsored by the CBA Trust and Estate Section

LIVE PROGRAM and LIVE WEBCAST: DECEMBER 11, 2009

At the CBA-CLE Classroom, 1900 Grant Street, Suite 300, Denver, CO

VIDEO REPLAYS: JANUARY 14, 2010

In Denver, Colorado Springs, and Grand Junction

Submitted for 6 General CLE Credits including 1.7 Ethics

**AVAILABLE
VIA LIVE
WEBCAST!**



Colorado Bar Association CLE

The nonprofit educational arm of the Colorado Bar Association and the Denver Bar Association

1900 Grant Street, Suite 300, Denver, Colorado 80203-4303

Nonprofit Org.
U.S. Postage Paid
Permit No. 1638
Denver, CO

REGISTER FOR THIS PROGRAM ONLINE! Go to www.cobar.org/cle